HON'BLE SRI G.S. SINGHVI,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD.

-

W.P. NO. 9042 OF 2005.

BETWEEN:

1. The Branch Postmaster,
   North Mopuru village,
   Allur Mandal,
   Nellore District,
   and another.
   …..

PETITIONERS.

AND

Deverapalli Sreedhara Reddy,

S/o Govinda Reddy,

North Mopulru village,

Allur Mandal,

Nellore District.

….. RESPONDENT.

:: ORDER ::

Counsel for the petitioners : Mr. V. Vinod Kumar.

Counsel for the respondent : Mr. P. Sridhar Reddy.

30th JANUARY, 2006.

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Per G.S. Singhvi, CJ

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This petition by the Branch Postmaster, North Mopuru village, Allur Mandal, Nellore District, and the Postmaster-General, Vijayawada, is directed against orders dated 08.09.2003 vide which Andhra Pradesh State Consumer Disputes Redressal Commission (for short 'the Commission') dismissed the appeal filed by the petitioners against the order passed by District Consumer Forum, Nellore, (for short 'the District Forum') for payment of Rs.25,000=00 to the respondent together with interest @ 12% per annum with effect from 4-11-1999.

On the last date of hearing, learned counsel for the petitioners had drawn our attention to Circular dated
6-12-1996 issued by Chief Postmaster General, A.P. Circle, Hyderabad, in the matter of award of compensation in lieu of non-medical policies and argued that the District Forum as well as the State Commission gravely erred by entertaining the claim of the respondent in its entirety. Upon this, learned counsel for the respondent sought time to seek instructions.

Today, learned counsel for the petitioners fairly stated that his clients had deposited a sum of Rs.29,000=00 with the District Forum on 4-11-2000. Learned counsel for the respondent fairly states that in view of the policy framed by the Department, he cannot support the order passed by the District Forum which has been substantially upheld by the State Commission.

In view of the above, the writ petition is partly allowed. The order of the State Commission dismissing the appeal filed by the petitioners against the decision of the District Forum is modified and it is ordained that the respondent shall be entitled to a sum of Rs.29,000=00. Since that amount has already been deposited, the respondent may now withdraw the same with interest, if any, accrued on the said amount.

We also deem it proper to saddle the petitioners with costs of Rs.1,000=00 (Rs. One thousand only) because the respondent was forced to litigate before the State Commission on account of the failure of the petitioners to bring the relevant policy to the notice of the District Forum. The amount of costs shall be paid to the respondent within a period of one month from today. No costs.

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G.S. SINGHVI. CJ

G. BHAVANI PRASAD. J

Dated: 30.01.2006.

VRK / svs

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HON'BLE SRI G.S. SINGHVI,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD.

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W.P.NO. 9042 OF 2005.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

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Dt: 30-01-2006.

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